

September 9 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

0A09-0487

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

KARL KNUCHEL, P.C.

Karl Knuchel

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Livingston, MT 59047

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VALERIE EMMERSON,

Appellant,

vs.

WALLACE C. WALKER and

RANA RAE WALKER,

Appellees.

AMENDED NOTICE OF APPEAL

WALLACE C. WALKER and

RANA RAE WALKER,

Appellees,

vs.

S. TUCKER JOHNSON,

Appellee.

FILED

SEP 9 2009

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

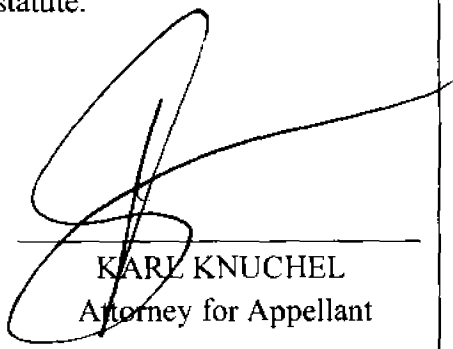
NOTICE is given that the Appellant above-named and who is the Petitioner in that cause of action filed in the Sixth Judicial District Court, in and for the County of Sweet Grass, as Cause No. DV 2007-8, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 13th day of July, 2009, and the Notice of Entry of Judgment entered on the 29th day of July, 2009.

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THE APPELLANT FUTHER CERTIFIES:

1. That this appeal is the subject of the mediation process required by M.R.App. P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).
3. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.
4. That included herewith is the filing fee prescribed by statute.

Dated this 3rd day of September, 2009.


KARL KNUCHEL
Attorney for Appellant

CERTIFICATE OF SERVICE

I herby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

LEANNE SCHRAUDNER
Schraudner & Hillier, PLLC
3825 Valley Commons Dr., Ste. 5
Bozeman, MT 59718
Attorney for Respondents / Appellees

LAW OFFICES OF MARK J. HARTWIG
MARK HARTWIG
P.O. Box 2330
Livingston, MT 59047
Attorney for Third-Party Defendant / Appellee


CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2009, I served a true and correct copy of the above and foregoing document upon the following interested parties by depositing in the United States mail, postage prepaid, addressed as follows:

Karl Knuchel
P.O. Box 953
Livingston, MT 59047
Attorney for Emmerson

P.O. Box 2330
Livingston, MT 59047
Attorney for Johnson

Hon. Wm. Nels Swandal
P.O. Box 437
Livingston, MT 59047



Sarah Stone, Secretary

MONTANA SIXTH JUDICIAL DISTRICT COURT, SWEET GRASS COUNTY

VALERIE EMMERSON,

Case No. DV 2007-8

Petitioner,

v.

JUDGMENT

WALLACE C. WALKER and

RANA RAE WALKER,

Respondents.

WALLACE C. WALKER and

RANA RAE WALKER,

Third Party Plaintiffs,

v.

S. TUCKER JOHNSON,

Third Party Defendant.

THE COURT HEREBY ENTERS JUDGMENT IN THIS MATTER AS FOLLOWS:

1. Judgment is entered in favor of Walkers for cost and litigation expense payable

rate of ten percent commencing as of the date of this Judgment

2. Judgment is entered in favor of Walkers requiring Emmerson to pay attorney fees in the amount of \$35,505.95 together with interest therein at the rate of ten percent commencing as of the date of this Judgment

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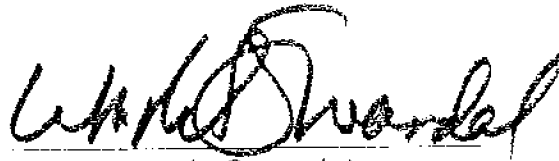
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Hon. Wm. Nels Swandal
District Court Judge

Mark J. Harwig
Leanne M. Schraudner

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I Hereby certify that I have mailed a true
copy of this document to:

the above

by depositing same in the U.S. Mail this

19 day of July

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Clerk of the District Court

By Deanna Norberg

Deputy Clerk

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Filed this 20 May 2009 at 2:00 PM
Diana Novak, Clerk of Court

MONTANA SIXTH JUDICIAL DISTRICT COURT, SWEET GRASS COUNTY

VALERIE EMMERSON,

Case No. DV 2007-8

Petitioner,

v.

JUDGMENT

RANA RAE WALKER,

Respondents.

WALLACE C. WALKER and

RANA RAE WALKER,

Third Party Plaintiffs,

v.

S. TUCKER JOHNSON,

Third Party Defendant.

In accord with the Court's May 12, 2009 Findings, Conclusions and Order, the Court enters Judgment in this matter as follows:

1. Emmerson shall specifically perform and close pursuant to the terms of the

entitled to utilize the Emmerson property and Emmerson shall be entitled to use the Walkers' property.

3. Walkers are awarded their attorney fees and costs pursuant to the terms of the Emmerson/Walker Exchange Agreement. Counsel for Walkers shall submit an affidavit of her attorney fees and allowable costs. Counsel for Emmerson shall have thirty (30) days to file an objection. If an objection is filed, a hearing will be

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held. If no objection is filed, counsel for Walkers will furnish the court with an appropriate order.

4 Johnson has tortiously interfered with the Walkers' contract and as a result this court finds that the Walkers have been damaged and enters judgment in the amount of \$150000 as against Johnson and in favor of Walkers.

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Hon. Wm. Nels Swandal
District Court Judge